

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

Wittop Koning, T.H.  
EXTER POLAK & CHARLOUIS B.V.  
P.O. Box 3241  
NL-2280 GE Rijswijk  
PAYS-BAS

Termijn: 07.06.04

Rec.: 09 APR. 2004

Opbergen:

WRITTEN OPINION  
(PCT Rule 66)

Date of mailing  
(day/month/year)

07.04.2004

Applicant's or agent's file reference

P26591PC00/mum (A03-40012)

REPLY DUE

within 2 month(s)  
from the above date of mailing

International application No.  
PCT/NL 03/00182

International filing date (day/month/year)  
11.03.2003

Priority date (day/month/year)  
19.03.2002

International Patent Classification (IPC) or both national classification and IPC  
B05B11/00, B05B11/00

Applicant

AIRSPRAY INTERNATIONAL B.V. et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is:

Name and mailing address of the international preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Formalities officer (incl. extension of time limits)  
Zibell, M  
Telephone No. +49 89 2399-7213



**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-20 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-5
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

**Novelty, inventive step, and industrial applicability (Item V)**

**Claim 1**

1. From **EP0443519 (D1)** (see column 9, line 9 to column 11, line 56 and figures 3 and 4) there is known a combination of a first container 10 and a second container 30 to form a dispensing unit, which first and second containers 10,30 each have a reservoir 24,44 for a liquid substance and a pump, which is secured to the reservoir 24,44, can be actuated by hand and has a dispensing opening 16,36 and a pump actuating button 12,32 for dispensing substance from the reservoir 24,44, which combination also comprises coupling means 18,20,26; 38,40,46 for coupling together the first and second containers 10,30 in a position next to one another, wherein the coupling means 18,20,26;38,40,46 comprise: one or more first coupling members 18,20,26, which are arranged on the first container 10, and one or more second coupling means 38,40,46, which are arranged on the second container 30 and which can each be directly coupled to an associated first coupling member 18,20,26 on the first container 10.
2. Thus, it appears that the subject-matter of claim 1 is not new as required by Article 33(2) PCT.

**Claims 2 to 5**

3. Document (D1) (loc. cit.) further comprises the combination according to claim 1, in which  
a first coupling member and an associated second coupling member are each arranged fixedly on the assembly of reservoir and pump of the associated container in order to create a stable coupling between the assemblies of reservoir and pump of the two containers (claim 2);  
a first coupling member and an associated second coupling member are each arranged fixedly on the pump-actuating button of the associated container in order to create a stable coupling between the pump-actuating buttons of the two containers (claim 3);  
associated first and second coupling members are designed to form an optionally releasable click-fit connection to one another (claim 4); and  
the click-fit connection is an optionally releasable sliding click-fit connection (claim

5).

The terms "click-fit connection" or "sliding click-fit connection" do not have a generally accepted meaning which would define a difference to the groove and tongue-like connection disclosed in (D1).

4. Thus, it appears that the subject-matter of claims 2 to 5 is not new as required by Article 33(2) PCT.

**Independent claim 20**

5. Independent claim 20 does not provide any technical features that would define the container. Thus, independent claim 20 contravenes Article 6 PCT in that it is not clear.

**Certain defects in the international application**

6. Reference numerals are missing after the technical features of the claims (see Rule 6.2b) and PCT Preliminary Examination Guidelines, Chapter III, 4.11).

**Further prosecution**

7. Taking into account the state of the art as cited in the search report the Applicant may submit a new independent claim 1 based on matter which he regards as meeting the requirements of the PCT. If, e.g., the Applicant sees an invention in the specific securing collar as defined in particular in claim 6, he is invited to submit a new independent claim 1 based on this subject-matter.
8. The new independent claim should again be drafted in the two-part form specified in Rule 6.3b) of the PCT in which claim the features known from document (D1) are part of the prior art portion. The characterising portion should contain the essential features which, in combination with the features of the first part it is desired to protect, i.e. the features which the invention adds to the prior art and which distinguish it clearly from the prior art.
9. Reference numerals should be added after the technical features of the claims.

This should be done in both parts of claims having the two-part form specified in Rule 6.3b) PCT (see Rule 6.2b) PCT and Preliminary Examination Guidelines Chapter III, 4.11).

10. The description should be rendered consistent with the new claims (see Rule 5.1a)iii) PCT). Document (D1) reflecting the most relevant prior art should be cited by number followed by a brief summary of the relevant contents (see Rule 5.1a)ii) of the PCT).
11. Care should be taken during the revision of the claims and the description not to add subject-matter which extends beyond the content of the application as originally filed (see Article 34(2)b) PCT).
12. The Applicant is requested to file amendments (made by hand to copies of the working script where appropriate) by way of replacement pages, avoiding unnecessary recasting of the description. It should be obvious from which points of the original application documents the amendments are derived. Furthermore, the Applicant is reminded of the fact that in the PCT procedure the examiner is not allowed to add to the application documents any amendments however minor they may be.